

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**SOUTHWESTERN BELL TELEPHONE  
COMPANY and BELLSOUTH  
TELECOMMUNICATIONS, INC.,**

Plaintiff,

v.

CIVIL ACTION NO. 3:10-CV-1498-O

**NEXT-G COMMUNICATION, INC.,**

Defendant.

**AMENDED SCHEDULING ORDER**

Before the Court is Plaintiffs' Unopposed Motion to Amend Scheduling Order (ECF No. 34), filed on March 28, 2011.

Plaintiffs request that the Court continue all unexpired deadlines by a month due to the delay caused by Defendant counsels' difficulties in communicating with their client. On January 26, 2011, Defendant's counsel filed a motion to withdraw (ECF No. 25) citing difficulties in reaching their client. Plaintiffs filed their response (ECF No. 26) on February 3, and the Court filed an Order (ECF No. 28) on February 4 setting a hearing for February 10. On February 9, Defendant filed a motion to continue the hearing (ECF No. 30) stating that steps were being taken to ensure that the Defendant and its attorneys could continue to work together. The time between the motion to withdraw and the order stating that Defendant and its counsel had resolved their difficulties was little more than two weeks.

It is within the Court's discretion to decide whether to grant a motion for continuance as part of its inherent power to control its own docket "so as to achieve the orderly and expeditious disposition of cases." *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991). Scheduling orders may

be modified with the judge's consent and only for good cause. Fed. R. Civ. P. 16(b)(4). In consideration of the delays involved in the instant litigation as well as the Court's need to maintain organization of a busy docket, the Court will grant in part Plaintiffs' request for additional time.

Having considered the Motion, the Court finds that it should be and is hereby **GRANTED** **in part** and **DENIED in part**. Accordingly, the Court will amend its November 1, 2010 Scheduling Order (ECF No. 20) as follows, with all other dates remaining the same:

Initial Expert Designation & Report (¶ 4 a. <sup>1</sup> )	May 13, 2011
Responsive Expert Designation & Report (¶ 4 b.)	June 14, 2011
Rebuttal Expert Designation (¶ 4 c.)	30 days after disclosure made by other party
Deadline for Expert Objections (¶ 4 d.)	November 11, 2011
Deadline for Dispositive Motions (¶ 3)	August 26, 2011
Deadline for Mediation (¶ 5)	June 13, 2011
Deadline for Completion of Discovery (¶ 6)	August 15, 2011

**SO ORDERED** this 29th day of March, 2011.



Reed O'Connor  
UNITED STATES DISTRICT JUDGE

---

<sup>1</sup>Paragraph numbers refer to the instructions in the Court's original Scheduling Order which should continue to be followed with the modified dates.